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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON RULES

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Room 696, City Hall
Philadelphia, Pennsylvania
Wednesday, May 1, 2003
1:35 p.m.

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BILL 030122 - an Ordinance amending Title 14 of the
Philadelphia Code entitled, "Zoning and Planning,"
by amending Chapter 14-1600 entitled,
"Miscellaneous," by adding a new Section
prohibiting or regulating the conducting of licensed
gambling operations within certain or all zoning
districts of the City; all under certain terms and
conditions.

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PRESENT:

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COUNCILMAN JAMES KENNEY, Chair

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COUNCILMAN DAVID COHEN

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COUNCILMAN FRANK DICICCO

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COUNCILMAN DARRELL CLARKE

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COUNCILMAN MICHAEL NUTTER

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COUNCILMAN BRIAN O'NEILL

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24
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I N D E X

BILL 030122	PAGE
THOMAS CHAPMAN, City Planning Commission	54
LIZA SELTZER, Society Hill Civic Assoc.	27
CARLA PUPPIN, Queen Village Neighbors Assoc..	29
JAMES QUILLIGAN, Rivers Edge Civic Assoc. ...	30
HEATHER HARRIS, Old City Civic Assoc.	34
MATT RUBEN, Northern Liberties Neighbors Association	51
BERNICE HAMEL, Society Hill Civic Assoc.	55
HARRIET MISHKIN	58
MARSHA BACAL, Society Hill Towers Political Action Committee	64
JOHN TERRY, Society Hill Towers PAC	64
DAVID THOMSEN,	67
JUDITH KAPLOW APPLEBAUM, Washington Square West Civic Association	71
JOE BARBER, Old City Consulting Group	73

1 050103 - RULES - BILL 030122

2 COUNCILMAN KENNEY: Good afternoon,
3 ladies and gentlemen. Thank you very much for your
4 patience. Councilmembers needed a few minutes to
5 regroup.

6 Today, the Council Committee on Rules is
7 here to hear testimony on Bill No. 030122, which is
8 an Ordinance amending Title 14 of the Philadelphia
9 Code entitled, "Zoning and Planning," by amending
10 Chapter 14-1600 entitled, "Miscellaneous," by adding
11 a new Section prohibiting or regulating the
12 conducting of licensed gambling operations within
13 certain or all zoning districts of the City; all
14 under certain terms and conditions.

15 The introduction of this Bill by myself
16 was based on a simple premise, that no licensed
17 gambling establishment shall be permitted in
18 Philadelphia without a City Council Ordinance and
19 subsequent public hearings. If the State
20 Legislature approves new forms of gambling in the
21 State, as it appears likely to do, the various
22 proposals today do not provide for any local public
23 input or debate.

24 Further, this Bill expires in three
25 years because by then we shall have had an

1 050103 - RULES - BILL 030122

2 opportunity to learn from the proposed gambling
3 experiments and make any permanent decisions.

4 By requiring the developers of any
5 potential gambling establishments to obtain zoning
6 permission from City Council would thus ensure that
7 our neighborhood and its elected officials are in
8 support of the specific proposal, as well as giving
9 the community at large an opportunity to debate the
10 proposal.

11 This legislation is not in support or
12 opposition to casinos, slots or tracks, riverboat
13 casinos or any other proposals. I simply want to
14 assure -- and hopefully Members of Council will
15 concur -- that we simply want to ensure if gambling
16 comes, it is what our residents want, and is
17 located, situated, where residents have had at least
18 some opportunity to be involved in the planning
19 process and the traffic studies and all of the other
20 things that are concomitant with good policymaking.

21 We'd like the Administration to come up
22 and just get us started.

23 Please identify yourself for the record.

24 MR. CHAPMAN: Good afternoon, Mr.
25 Chairman and Members of the Rules Committee. My

1 050103 - RULES - BILL 030122

2 name is Thomas Chapman. I'm the Director of the
3 Development Planning Division of the City Planning
4 Commission. I'm here today to testify on Bill No.
5 030122. This Bill amends the Zoning Code by
6 prohibiting the conducting of licensed gambling
7 operations in the City of Philadelphia.

8 This Bill would prohibit licensed
9 gambling operations in the City unless the use is
10 expressly permitted by Ordinance. The Bill further
11 specifies that no variance shall be granted from
12 this Section of the Zoning Code, except where the
13 denial of the variance would affect an
14 unconstitutional taking. This language has been
15 used in the past to make it more difficult for the
16 Zoning Board of Adjustment to support the granting
17 of variances. The provisions of this Bill are set
18 to expire three years after it is signed into law.

19 There are a number of Bills pending in
20 the State Legislature that would legalize various
21 forms of licensed gambling in the Commonwealth of
22 Pennsylvania. Given this fact, we are sympathetic
23 to what we understand are the objectives of this
24 Bill, and would agree that licensed gambling, if it
25 is authorized by the Legislature, should be

1 050103 - RULES - BILL 030122

2 regulated in the City of Philadelphia.

3 However, we recommend that Bill No.
4 030122 not be approved. We believe that the
5 objectives of the Bill can be reached by reviewing
6 current provisions of the Zoning Code to clearly
7 determine under which classifications gambling uses
8 could currently be permitted as a matter of right,
9 and by amending these provisions of the Code so that
10 the use is appropriately regulated.

11 As a matter of fact, our Commission
12 Chairman, at our last Commission session, asked that
13 we investigate this very issue. To this end, after
14 appropriate study, we would be more than happy to
15 work with Council staff or the Law Department on the
16 drafting of amendments to the Zoning Code.

17 We believe it is not necessary to enact
18 legislation that bans licensed gambling uses
19 Citywide. Even a most generous reading of the
20 existing provisions of the Code would reach the
21 conclusion that most of the zoning classifications
22 already do not permit legalized gambling.

23 If I could just go off my testimony for
24 one minute. I learned prior to the start of this
25 hearing that you and the Members of the Committee

1 050103 - RULES - BILL 030122

2 had not received copies of our testimony. I don't
3 really have an explanation or excuse for that. But
4 I just wanted to apologize on the record for that
5 happening.

6 COUNCILMAN KENNEY: Thank you very much.
7 Councilman DiCicco.

8 COUNCILMAN DICICCO: Thank you, Mr.
9 Chair.

10 Could we get the Clerk to make copies of
11 that for us, please?

12 COUNCILMAN KENNEY: Yes. Thank you
13 very much.

14 Just kind of a general question. I
15 know Councilman DiCicco is the Chairman of the
16 Streets and Services Committee, and that Committee
17 routinely hears proposed Ordinances any time a
18 business person in the City wants to put a planter
19 outside on the sidewalk, whether a newsstand
20 operator wants to run an electrical line for a
21 lottery machine or for some other electrification.
22 I mean, we require the passage of Ordinances for
23 things as mundane and as simple as that.

24 Why would the Planning Commission oppose
25 an Ordinance required to do something as expansive

1 050103 - RULES - BILL 030122

2 as put a riverboat casino at the edge of Reed Street
3 or somewhere in Philly? We do this for simple
4 things, for uneventful requests, like flag poles,
5 planters above the pavement, anything that sticks
6 out above -- all those kinds of things we do on a
7 regular basis. God, somebody wants to put a casino
8 in your neighborhood, I think maybe an Ordinance
9 might be required. It might be something that would
10 be beneficial to everybody.

11 Do you have any sense on the differences
12 of opinion on one issue as opposed to another?

13 MR. CHAPMAN: Councilman, I'm not going
14 to debate that with you. You make a good point. I
15 think what I would say on this is that, often-times
16 when we regulate uses, we feel -- and we hear from
17 business operators and developers, whatever -- that
18 we are discouraging them from coming into the City.
19 The fear is that if we do this with whatever form of
20 gambling that we wind up with, that maybe people
21 will turn to the immediate suburbs and establish
22 whatever use they want to establish, and that the
23 City would lose the jobs and the tax benefits and
24 the development opportunities.

25 COUNCILMAN KENNEY: I understand your

1 050103 - RULES - BILL 030122

2 position. I just think probably the original
3 examples I gave are more onerous to business than
4 the example you're citing on the casino side or the
5 gaming side. It just seems that obstacles are put
6 in the way of businesses and institutions to do
7 simple improvements to their property. That is
8 also detrimental to being in a friendly business
9 climate. We'll discuss it as it goes on.

10 The Chair recognize Councilman Cohen.

11 COUNCILMAN COHEN: I'm very concerned
12 about the whole outlook with reference to gambling.
13 Because the needs of the City financially can easily
14 be used as an excuse to permit anything to take
15 place in the City which promises some form of return
16 in dollars and cents to the City. I'm concerned
17 about the concept of gambling. I'm not sure whether
18 I read this Ordinance to make it easier for gambling
19 to come into Philadelphia or not. Right now, it's
20 next door to us in New Jersey, and I'm sure we lose
21 a lot of business to the Atlantic City casinos. But
22 if that's the only test, then anything goes. I
23 think that that means you'd have for all kinds of
24 people to become addicted. We already have a very
25 low income population in Philadelphia. If you add

1 050103 - RULES - BILL 030122

2 to that the danger of addiction to gambling once it
3 begins, making it easier, I think we have a cause of
4 concern.

5 But how would you read the authority of
6 the State to legislate specifically? Could the
7 State, in your judgment, pass a Bill saying that any
8 gambling casino may operate anywhere in any zoning
9 in Philadelphia? What is the power of the State,
10 as you see it?

11 MR. CHAPMAN: Councilman, in my opinion,
12 I don't believe that the State could do what you
13 said, that they could just willy-nilly anywhere in
14 the City say that casinos could operate. There has
15 to be some kind of controls and regulations to
16 control the operations of any kind of gambling
17 operation.

18 COUNCILMAN COHEN: Do you know of any
19 example where the State tried to make a specific
20 requirement, or does the law limit them in saying
21 this must be handled by zoning? Could the State
22 come in? Have they done so? Do we know of any
23 cases where the State has taken the position that
24 they have the right to rezone themselves; that if
25 the Zoning Board didn't do what they wanted, they

1 050103 - RULES - BILL 030122

2 could pass the State law to make the Zoning Board do
3 it?

4 COUNCILMAN KENNEY: I think there's one
5 instance that's similar to what you're saying, and
6 that is when the State took over all of the port
7 facilities, the industrial port facilities, the
8 Regional Port Authority. I think there was some
9 zoning supersessions there.

10 COUNCILMAN COHEN: Well, that might
11 be --

12 COUNCILMAN KENNEY: Councilman O'Neill,
13 please.

14 COUNCILMAN O'NEILL: Thank you, Mr.
15 Chairman.

16 On the Apollo Theater, now the Cores
17 Center, legislation was introduced, but not needed,
18 but it was introduced so that the State could zone
19 that property because the District Councilman was
20 opposing it. His is across from Temple University.
21 It was a former car dealership, I believe. And then
22 the City passed it, so it didn't become necessary.
23 But it seemed like the State had the power to do
24 that, if they so chose.

25 COUNCILMAN COHEN: At least they acted

1 050103 - RULES - BILL 030122

2 as if they had the power.

3 COUNCILMAN O'NEILL: Yes. Right.

4 COUNCILMAN COHEN: These are aspects I'm
5 very glad the Chairman has introduced this Bill to
6 begin this kind of discussion.

7 COUNCILMAN KENNEY: Well, I think the
8 other thing, too, is that if we do ultimately pass
9 this Bill, even if the State tries to supersede us
10 in this legislation, we at least had some discussion
11 or some opportunity to have a discussion in a
12 courtroom to determine what actually the law is. So
13 without absent that conflict by not passing the
14 Bill, we wouldn't have much of a leg to stand on
15 because there wouldn't be a conflict of two
16 governments that need to be resolved by a court.

17 COUNCILMAN O'NEILL: We have on our
18 zoning books sport stadium districts, which
19 basically are -- was the racetrack where Franklin
20 Mills now is and the sites in the sports complex.
21 Had we not done that, you can bet the State would
22 have told us where we could have put a complex,
23 whether it's a stadium or an arena. It is a good
24 preemptive discussion point, if nothing else. But
25 they've respected our zoning on the stadiums.

1 050103 - RULES - BILL 030122

2 COUNCILMAN KENNEY: Any more questions
3 for this witness?

4 Councilman DiCicco.

5 COUNCILMAN DICICCO: Thank you, Mr.
6 Chairman.

7 Good afternoon, Mr. Chapman. Just a
8 couple comments on your testimony.

9 In the latter part of your testimony you
10 referred to that -- I guess basically what you're
11 saying is we don't want to send a negative signal
12 out to anybody who wants to do business in the City
13 of Philadelphia. And this kind of legislation may,
14 in effect, discourage people in the gaming industry
15 to want to look to Philadelphia. As you know, I've
16 been a proponent of economic development, probably
17 sometimes to the degree where some people have
18 misunderstood my motives. But I certainly don't
19 think that it will be that easy, even if the casinos
20 wanted to go into the suburbs, which I think is not
21 where they want to be, that would be that easy for
22 them out there either. I mean, people are opposing
23 malls. Developers are having a hard time even
24 building tract housing out there because of suburban
25 sprawl. So I don't think that that is a truly

1 050103 - RULES - BILL 030122

2 viable argument in this case.

3 I look at this legislation very
4 similarly to other Bills that at least the District
5 Council people have done. I know I've done a number
6 of them where we've asked your department, the
7 Planning Commission, to work with us to address the
8 changes that are occurring in many of our
9 neighborhoods and doing a massive reclassification
10 as it relates to zoning. And for me, when I started
11 this a long time ago, even before I became a
12 Councilman in 1989, when I founded the Civic
13 Association, the purpose of my going to then
14 Councilman Tayoun and asking for a reclassification
15 for the community group boundaries that I had begun
16 was it allowed for the public to be part of the
17 process, not necessarily to automatically say that
18 because a G-2 or a C-2 or an R-10 became an R-10A,
19 that we would never look to approve or support an
20 application that would revert that property back to
21 a C-2 or G-2. We just want to be part of the
22 process. We want to make sure that things that are
23 happening in a neighborhood are on balance, as best
24 we can, and to encourage development. So again I
25 think this, to me, in nature is very similar to

1 050103 - RULES - BILL 030122

2 that.

3 I do have one other question. My
4 district is the 1st Councilmanic District. The
5 Delaware River skirts most of the district. The
6 potential for a gambling barge or barges in my
7 district is rather likely. Where along that
8 corridor they get placed or it gets placed still
9 remains to be seen, if we ever get gambling approved
10 in this Commonwealth; riverboat gambling, that is.

11 I've been dealing with a number of
12 folks, and a few of them are here today. We have
13 formed a community alliance to deal with the Penns
14 Landing development. It's been often said that
15 there is a master plan. And then I've discussed
16 it -- maybe not with you, Mr. Chapman, but I think I
17 may have discussed it with Maxine not to long ago,
18 Maxine Griffith, the Commissioner. It really
19 depends on who you're talking to. Is there a plan
20 or isn't there a plan? And what is this plan all
21 about? So my question, I guess, would be to the
22 Planning Commission, in this master plan, if one
23 truly exists -- and I don't mean that to be
24 sarcastic. If there actually is one that exists, I
25 suspect that there has never been anything in that

1 050103 - RULES - BILL 030122

2 plan that would accommodate riverboat gambling. I
3 can't believe that, that 20 years ago somebody was
4 even considering that. So in the scheme of things,
5 if there is this master plan, how would riverboat
6 gambling impact on that master plan, and would you
7 still be here saying that we shouldn't part of that
8 process? Because it could go really against what
9 your -- your, meaning the Planning Commission's --
10 master plan is already about.

11 MR. CHAPMAN: Councilman, you are
12 correct in assuming that riverboat gambling was not
13 considered as part of any of the riverfront
14 development plans that were approved by the Planning
15 Commission. Those plans were approved well in
16 advance of that discussion. And I believe that the
17 discussion of riverboat gambling started to take
18 place shortly after Mayor Rendell was elected. And
19 those plans were approved by the Planning
20 Commission, I would say, in the mid-'80s.

21 COUNCILMAN DICICCO: Twenty years or so
22 ago. Twenty, twenty-five years is what I'm being
23 told.

24 MR. CHAPMAN: Right.

25 COUNCILMAN DICICCO: The Mayor -- this

1 050103 - RULES - BILL 030122

2 Mayor, John Street, shortly after being sworn in in
3 1996 convened some sort of an emergency meeting at
4 Dave and Buster's. And I remember the Mayor saying
5 that night that -- because we were still talking
6 about the Simon project and where we would go in
7 terms of riverfront development. There must have
8 been a couple hundred people there that night, and I
9 still can't figure out why except for the fact that
10 the Mayor said that that's what we're going to have,
11 a master plan.

12 Do you know of any master plan that has
13 developed since that time? And, if so, did it make
14 any accommodations for a possibility of riverboat
15 gambling?

16 MR. CHAPMAN: There's been no master
17 plan that I'm aware of that ever addressed riverboat
18 gambling.

19 COUNCILMAN DICICCO: Are you aware --
20 and this will probably be my last question. Are you
21 familiar with the incinerator site?

22 Mr. CHAPMAN: Sure.

23 COUNCILMAN DICICCO: Are you familiar
24 with two proposals in the last several months by two
25 different developers who had expressed an interest

1 050103 - RULES - BILL 030122

2 for that site, for what I believe is truly family
3 entertainment? One was a water park and the other
4 was a combination of an ampitheater kind of
5 facility, something similar to the Tweeter Center.
6 Are you familiar with any of those?

7 MR. CHAPMAN: I'm familiar with the
8 water park proposal.

9 COUNCILMAN DICICCO: Did the Planning
10 Commission take a position as to whether or not to
11 support those? Even though they were only in the
12 conceptual stages, at least they got to the point
13 where I've been involved with discussions on
14 possible financing, and the Pennsylvania Corporation
15 has been deeply involved into the aspects of either
16 of those schemes.

17 MR. CHAPMAN: They've never been
18 advanced far enough for us to have any kind of a
19 position on anything, you know. The only reason
20 that I'm aware of it, in fact, is because Dominic
21 Sabatini (ph) brought it up at one of the Penns
22 Landing meetings that I was at. And he had a small
23 set of, like, 11-by-17 plans that I had seen. But
24 there's never been anything submitted to the
25 Planning Commission for review or consideration of

1 050103 - RULES - BILL 030122

2 any sort.

3 COUNCILMAN DICICCO: The plan that
4 you're referencing, was that for the water park?

5 MR. CHAPMAN: Yes.

6 COUNCILMAN DICICCO: So that's the more
7 recent one. Because the ampitheater, music hall,
8 call it what you will, was actually prior to that.

9 Are you familiar with the position that
10 the Commerce Department has taken as it relates to
11 the incinerator site and the proposed use of the
12 water park or some sort of a family entertainment
13 theme park?

14 MR. CHAPMAN: No, I'm not.

15 COUNCILMAN DICICCO: Just for the
16 record, Mr.Chairman, I've been dealing with this
17 issue for several months now. I don't know if the
18 water park or any other of the developments that
19 have been proposed there, that are basically the
20 kinds of things, I think, that most people support,
21 family entertainment venues -- not even talking
22 about retail -- these are truly what I consider
23 family entertainment venues -- have been opposed by
24 the Commerce Department. And the reason has been
25 given -- although somewhat official, but kind of

1 050103 - RULES - BILL 030122

2 unofficial -- official is that they think it's too
3 valuable a piece of real estate because they would
4 hope that if, in fact, riverboat gambling became a
5 reality in the Commonwealth of Pennsylvania, that
6 that is a great site for a barge.

7 I bring that to this Committee's
8 attention because I think that goes to the very
9 heart of what we're trying to do here, is that we
10 need some safeguards. And I'm not suggesting -- and
11 I know there's some folks who live very close to the
12 incinerator site, who have already expressed to me
13 that they would not support it, so I'm not here
14 today by no means suggesting I'm an advocate or an
15 opponent to that as of yet. I pretty much think I
16 would be opposed, but I go through a process. I
17 think everybody in this room knows that. But this
18 is a perfect example of where we haven't even gotten
19 to the point where riverboat gambling is even a
20 possibility in this Commonwealth, but we're setting
21 aside land and actually saying to one developer,
22 Well, it's a great idea, but we don't think you
23 should be there because it may be more valuable
24 going forward should there be riverboat gambling.

25 So, again, I'm not being argumentative

1 050103 - RULES - BILL 030122

2 with you. You know I have the highest respect for
3 you. But it kind of goes against what your earlier
4 statement was, that we don't want to send a bad
5 signal. I mean, here's a developer -- and they may
6 not be real, but they were real enough to come up
7 with some finances and a lot of other money that
8 they've spent; and we basically said, no, thanks.

9 COUNCILMAN KENNEY: A lot of the central
10 and southern waterfront has gone undeveloped for
11 that very reason. And for the past decade or more,
12 options have been paid to keep land vacant, until we
13 decide whether we're ever going to have a casino
14 there. There's a large parcel of land on Reed
15 Street right across from the movie development there
16 that could be developed 10 times over in the last
17 10, 12 years because of the spector of gaming always
18 hanging over these parcels. We would have more
19 residential housing development and, I'm sure, more
20 retail development. Everybody waits for the big
21 bucks in the gaming.

22 COUNCILMAN DICICCO: Well, that site
23 that you referenced, Mr. Chair, at Delaware and Reed
24 was actually the first site that Ikea -- that was
25 their most desirable site. Most people don't even

1 050103 - RULES - BILL 030122

2 know that. And then the second site was the
3 incinerator site, which I didn't think it was the
4 best use for it, but I at least gave them the time
5 of day to go through all of that process with them.
6 And then the third site became where we hope to
7 break ground in about two weeks -- which became a
8 very political, controversial thing for me. Most
9 people don't know that I actually worked with Ikea
10 for the better part of seven months to try to get
11 them other sites. I always wanted Ikea to be here.
12 Just for the record, the City's position already to
13 date is not even to do anything except keep that
14 incinerator pad available in the event that
15 riverboat gambling becomes a reality.

16 COUNCILMAN KENNEY: Councilman Clarke.

17 COUNCILMAN CLARKE: Thank you, Mr.
18 Chairman.

19 Mr. Chairman, if I can, I just want to
20 get up to snuff. We have to deal with so many
21 issues in City Council, and I'm not up to snuff in
22 terms of the last, most recent proposal, where we
23 are for the state as it relates to gaming in the
24 City of Philadelphia or the State of Pennsylvania.
25 And I know the most recent proposal, we have these

1 050103 - RULES - BILL 030122

2 things called "racenos."

3 Mr. Chapman, can you tell me where we
4 are at the state level as it relates to the
5 legislation that's being currently proposed?

6 MR. CHAPMAN: I can tell you what I
7 know, Councilman. And I'll be the first to admit,
8 I'm not an expert on this topic. But there are, I
9 would say, at least 10 Bills pending in the State
10 Legislature related to all different kinds of
11 gambling.

12 There is a Senate Bill, 20, a Bill that
13 has to do with racetracks or racenos, as you had
14 said, the racetracks with slot machines.

15 There's another Bill, a House Bill, 520,
16 establishes a Gambling Impact Committee.

17 House Bill 570 is a Bill that would
18 legalize keno.

19 Senate Bill 292 is a Racetrack Gaming
20 Control Board.

21 And then there's a House Bill 1089.
22 That bill is related to riverboat gaming and would
23 also establish a Pennsylvania Gaming Commission.

24 The Bills have a number of different
25 sponsors. Some are common and some aren't. To the

1 050103 - RULES - BILL 030122

2 best of my knowledge -- and maybe Councilman Kenney
3 can correct me if I'm wrong -- I don't think any of
4 these Bills have been enacted.

5 COUNCILMAN CLARKE: Do you know -- and
6 understanding that you're not, obviously, either the
7 sponsor of or have knowledge in a great level of
8 detail -- do you know if any of those Bills speak of
9 any local control on the selection process or the
10 authorization process in any location in this City?
11 Or does it simply say, at a racetrack -- the one
12 that references racetracks -- or at a riverfront?

13 I mean, what is in any of those Bills
14 that talk about local authorization or local control
15 in terms of the selection process beyond the current
16 Zoning Code?

17 MR. CHAPMAN: I think the best thing that
18 I can say on that, is that I didn't see anything in
19 any of these Bills that would preempt the City from
20 regulating any of these uses. I was actually
21 surprised to find that.

22 COUNCILMAN CLARKE: When you say
23 preemptive, do mean the current Zoning Board?

24 MR. CHAPMAN: What I mean by that is, in
25 any of the Bills that I've read, the State is not

1 050103 - RULES - BILL 030122

2 attempting to take away the right of the City to
3 regulate this industry.

4 COUNCILMAN CLARKE: But are they giving
5 us the right? That's more my question than
6 prohibiting our ability to do it. My question is,
7 if the legislation comes down, and it doesn't put in
8 place the ability for the City to have some process,
9 be it the Zoning Board or legislative process or
10 Executive Order, whatever, to be involved in the
11 process of locating casino or raceno or pokeno or
12 whatever the other names are that are coming up out
13 of the hopper in a particular location.

14 MR. CHAPMAN: I understand your
15 question. I don't have a very good answer for it.
16 All I can say is that I assume since they have not
17 taken away our ability to regulate it, that we can.

18 COUNCILMAN CLARKE: What ability do we
19 have to regulate it now beyond the Zoning Board?

20 MR. CHAPMAN: All of the usual L&I
21 related kind of stuff regarding licenses for the
22 use, all the various building controls.

23 COUNCILMAN CLARKE: It's just simply
24 regulatory issues in terms of providing
25 specifications for the building you're building,

1 050103 - RULES - BILL 030122

2 egress issues as it relates to traffic flow, design?

3 MR. CHAPMAN: Yes. Whether the City can
4 establish its own City of Philadelphia Gaming
5 Commission, I couldn't answer that question, sir.

6 COUNCILMAN CLARKE: All right. I think I
7 kind of think that, not having talked at any great
8 length to the sponsor, I just know personally
9 that's, to some degree, my concern, as this issue
10 continues to come to the forefront. I really don't
11 see any language or any discussion on the State
12 level that talks about the local control.

13 I was asked recently about that, did I
14 support that. I probably support games of chance or
15 gaming to some degree, but I would like to, at a
16 minimum, be in a position to regulate the type and
17 the location and the usage of that and anything
18 related to that on a local level, somewhat beyond
19 the Zoning Board. Because as you know, the Zoning
20 Board is the Zoning Board. It's not the elected
21 official that ultimately has to respond to the
22 citizens, and I'm a little concerned about our
23 ability to be in that process.

24 MR. CHAPMAN: I understand completely.

25 COUNCILMAN KENNEY: Thank you very much.

1 050103 - RULES - BILL 030122

2 COUNCILMAN DICICCO: Mr. Chairman.

3 COUNCILMAN KENNEY: I just want to get
4 the panel started because they've been waiting.

5 COUNCILMAN DICICCO: I'm going to be in
6 this back room. I haven't eaten since last night,
7 so I will be listening to everything that you're
8 saying. I don't want you to think I'm leaving.

9 COUNCILMAN KENNEY: We'd like to call
10 first community witnesses.

11 Liza Seltzer, James Quilligan, Carla
12 Puppini, please.

13 I apologize for our inefficient room,
14 but we're still outdoors here.

15 MS. SELTZER: That's okay.

16 Good afternoon, Chairman and Members of
17 the Committee. My name is Liza Seltzer. I've lived
18 in Society Hill for nine years and I am the incoming
19 president of the Society Hill Civic Association. In
20 addition, my husband and I own and operate a
21 business in Old City. I care deeply about the
22 future of Philadelphia.

23 I'd like to share a personal observation
24 with you. I moved to Philadelphia from Chicago nine
25 years ago. While in Chicago, I had the opportunity

1 050103 - RULES - BILL 030122

2 to visit the Quad Cities, four cities that come
3 together on the Mississippi River in Iowa and
4 Illinois. Riverboat gambling was introduced in the
5 Quad Cities in 1991, and within a couple years its
6 impact was clear. While casino parking lots were
7 full on a Saturday afternoon and businesses within a
8 two-block radius were open, beyond that small circle
9 of economic activity, there were countless stores,
10 restaurants, car dealerships and other businesses
11 boarded up. It was one of the more depressing
12 places I've been in, in the United States.

13 I believe that gambling is neither
14 harmless recreation nor an easy way to generate
15 revenue. The gambling industry thrives on
16 addiction, and the cost to the communities that
17 invite it in far exceed the benefits when social
18 costs are considered.

19 Please understand that I fully
20 appreciate that our schools in particular need more
21 money. I have three children enrolled in private
22 school because our local elementary schools fall
23 short of expectations. More money might make the
24 schools better, but we need to look at the larger
25 picture. I'd hate to see Philadelphia, a place I

1 050103 - RULES - BILL 030122

2 feel good about raising my children in, become as
3 unappealing a place to live as Atlantic City, New
4 Orleans, the Quad Cities or any City that has made
5 the argument that gambling revenues will improve
6 their schools.

7 That's why I feel so strongly about this
8 Bill. Neighborhoods that may be affected must have
9 a say in whether gambling should be allowed; and if
10 it is to be allowed, the form it may take. The best
11 way to ensure this is to require that our elected
12 officials in City Council, who are accountable to
13 the neighborhoods, must have the authority to accept
14 or reject any proposal for gambling establishments
15 in Philadelphia.

16 Thank you.

17 COUNCILMAN KENNEY: Thank you very much
18 for your testimony, and thank you for your patience
19 in waiting. We apologize for the delay.

20 Please identify yourself for the record.

21 MS. PUPPIN: Good afternoon. My name is
22 Carla Puppini. I am the Executive Director of the
23 Queen Village Neighbors Association. I'm here today
24 on behalf of the Association to support Bill 030122.

25 A few years ago our Association, along

1 050103 - RULES - BILL 030122

2 with several other neighborhood associations,
3 expressed our concerns about the impact of riverboat
4 gambling in Philadelphia. The prospect of gambling
5 establishments in or near any neighborhood raises
6 many concerns related to the quality of life of that
7 particular neighborhood and beyond. Neighborhoods
8 must have a say in discussions regarding gambling.
9 If the State Legislature approves new forms of
10 gambling here in Pennsylvania, the various Bills to
11 date do not provide for any local input whatsoever.

12 Bill 030122 addresses that deficiency by
13 requiring that no licensed gambling establishments
14 be permitted in Philadelphia without a Council
15 Ordinance and subsequent public hearings.

16 We ask that you support the Bill and
17 pass it out of the Rules Committee.

18 Thank you.

19 COUNCILMAN KENNEY: Thank you very much
20 for your testimony.

21 Please identify yourself for the record.

22 MR. QUILLIGAN: Thank you, Mr. Chairman.
23 My name is James Quilligan. I'm President of Rivers
24 Edge Civic Association. We're located between Old
25 City and Northern Liberties. We're located on

1 050103 - RULES - BILL 030122

2 Columbus Boulevard across the street from Dave and
3 Busters, Rock Lobster, down in that area. We're
4 here to support this Bill and we think it's a very
5 necessary safeguard for the communities. I'm here
6 to indicate to you what the situation already is in
7 our neighborhood.

8 We're right down on ground zero. We're
9 right in the neighborhood nightclub district. We've
10 witnessed over the last several years murders up
11 along Columbus Boulevard in Northern Liberties. And
12 we have a continuing problem in our neighborhood of
13 people who wander down from the clubs at 2:00 a.m.
14 drunken, have fights, trash our neighborhood, uproot
15 plants, steal bicycles, steal various items of
16 landscaping equipment in the neighborhood. We have
17 mayhem in our neighborhood. The Police Department
18 has done a very good job, I must say, in mitigating
19 the results of all that kind of craziness after
20 hours. But I am here to tell you that if gambling
21 comes in, we're going to see more of that type of
22 behavior in our neighborhood and in other sites
23 along the waterfront. We're very concerned about
24 that, as well as a few other factors.

25 If the traffic and parking problems

1 050103 - RULES - BILL 030122

2 aren't examined in terms of what riverboat gambling
3 also would do on the waterfront, we're going to have
4 major problems down at Columbus Boulevard and the
5 neighborhoods adjacent to Columbus Boulevard. And
6 the customers who go to and from the nightclubs
7 already exhibit a lot of drunken behavior, but we
8 really shudder in our boots to think what might take
9 place if there are gamblers involved as well.

10 COUNCILMAN KENNEY: Do you mean if a guy
11 just lost five grand, how he would feel if he was
12 drunk and annoyed and with \$5,000 less money in his
13 pocket?

14 MR. QUILLIGAN: That's right, Mr.
15 Chairman.

16 In the larger sense -- Councilman
17 DiCicco mentioned the lack of a master plan earlier.
18 And it's our consideration, you know, the
19 development along Penns Landing has been piece meal
20 all along. The only master plan appears to be Penns
21 Landing Corporation, and they keep the master plan,
22 whatever that is, closely held to their own
23 interests.

24 So we strongly advocate a master plan,
25 as well. I know that's not part of this Bill, but I

1 050103 - RULES - BILL 030122

2 think that that's something that everybody should be
3 looking toward, a master plan for the waterfront.
4 Because if we don't have that in association with
5 the influx of gambling coming to the waterfront, we
6 could be looking at some very serious problems on
7 the waterfront, if there's nothing to regulate that
8 kind of development.

9 The last thing I would like to mention
10 is that we support this legislation primarily
11 because it provides checks and balances, at least to
12 a minimal extent for the people along the
13 waterfront. We would support in the long term some
14 kind of waterfront entertainment district, as well,
15 which would provide a kind of special services
16 district and would help to clean up the
17 neighborhoods. And it would help to regulate the
18 kind of bad behavior that we're already witnessing
19 along the neighborhood waterfront.

20 I can tell you, the future is already
21 here. Because the nightclubs, as they say, are
22 already out of control. And we only expect to see
23 that situation grow worse as time goes on,
24 especially if neighborhood gambling comes in. And,
25 again, this legislation would provide checks and

1 050103 - RULES - BILL 030122

2 balances that we would like to see to give the
3 communities a voice in mitigating those kinds of
4 external effects that we really don't want to see
5 along the waterfront.

6 Thank you, Mr. Chairman.

7 COUNCILMAN KENNEY: Thank you very much
8 for your testimony.

9 MS. HARRIS: I'm Heather Harris. I'm
10 the President of the Old City Civic Association.
11 Thank you, Councilman Kenney.

12 As President of the OCCA and as a
13 resident of Old City and a property owner and a
14 business owner, I urge this Rules Committee to
15 support and pass out of Committee Bill 030122.

16 The mission of the Old City Civic
17 Association is to preserve the residential quality
18 of life and the historic nature of Old City. We've
19 historically accomplished this by working along with
20 the City, for instance, the Zoning Board of
21 Adjustment, in any decisions that affect us in terms
22 of developments. We certainly desire and we would
23 expect to be included in any future plans and
24 decisions about gambling operations in the area. In
25 my statement, I'm not speaking to whether we approve

1 050103 - RULES - BILL 030122

2 or disapprove of gambling, because this is only
3 about whether we have a say in the issue.

4 I wish I could include everything in my
5 statement that Jim Quilligan just said because what
6 he said applies also to Old City. We have seen an
7 explosion of liquor license applications down there,
8 probably because we are more successful, because we
9 will be more successful, what with Penns Landing
10 coming along. And then, of course, there's the
11 gambling issue. We're already working along with
12 Councilman DiCicco and Senator Fumo and the LCD and
13 L&I to try to put a curb on the number of liquor
14 licenses in Old City. We have more per square foot
15 or per square person than New Orleans does. There's
16 got to be a limit to this. I don't know how much we
17 can get pushed before we lose our residential
18 quality down there.

19 A few months ago I was talking with
20 Walker Gilmore of the City Planning Commission. It
21 was to do with something with a class I was taking
22 up at Penn, and I was picking his brain. And I
23 asked him if there were any central plan for the
24 City, any master plan. And he said such a plan
25 exists in various people's heads and in various

1 050103 - RULES - BILL 030122

2 departments all over the City. It would be really
3 cool to get that together and have a master plan.
4 And this, of course, concerns me with Penns Landing.
5 Just like Jim Quilligan said, we're doing it
6 piecemeal. It reminds me, if I'm in my kitchen and
7 I have a cup of sugar and I put that in a bowl, and
8 then I say, "well, maybe I should put an egg in,"
9 by the end of the mixing, I've got a real mess
10 because I didn't think ahead. Maybe there is some
11 way that we could get together with the people who
12 are working to plan Penns Landing, these
13 neighborhood coalitions, and the Councilmen and
14 everybody, and include in that plan what we're going
15 to about gambling on Penns Landing.

16 Thank you.

17 COUNCILMAN KENNEY: Thank you.

18 We also have some real serious concerns,
19 as a Member of the Board of Penns Landing, the
20 process of planning for the development is being
21 limited to a small group internally in the
22 government. In the end, bringing a selected
23 director for rubber-stamped approval, which I can
24 guarantee as a Member of the Board there, and
25 Councilman DiCicco there also, it's not going to

1 050103 - RULES - BILL 030122

2 happen without a fight. We already expressed our
3 opinion to the people there who are involved in the
4 planning or involved in the evaluation of the
5 proposals. They're not going to bring us just one.
6 There's going to be perhaps a short list and then
7 public input and public presentation and process.
8 So we're very aware of how sometimes people try to
9 get this thing in the hands of two or three or five
10 people to decide the future of that waterfront.

11 One of the problems with the waterfront,
12 since I've been on there 15 years, is that every
13 plan we consider or have approved, are these huge
14 mega plans. Maybe smaller and simpler and with more
15 flexibility is better after experiencing the Crystal
16 Pavilion and everything else that's been going on
17 down there. So we are beginning to change our
18 mindset a little bit about what's going on.

19 Thank you.

20 Nat Ruben.

21 COUNCILMAN COHEN: Can I ask the young
22 lady a question?

23 COUNCILMAN KENNEY: Hold on. The
24 Councilman has a question.

25 COUNCILMAN COHEN: I just wanted your

1 050103 - RULES - BILL 030122

2 reaction, because I know you're active in the
3 community.

4 In a small part of the community where I
5 live in West Oak Lane, suddenly a big hardware store
6 appeared, where there had been a series of small
7 stores. People in the neighborhood thought the
8 small stores were kind of quaint. They drew enough
9 people for the business to be maintained, but they
10 didn't take all the parking spaces. There were no
11 big crowds. Suddenly, this mammoth hardware store
12 came along and said, we're going to rebuild. We're
13 going to take over some four, five of these stores
14 that are adjoining each other.

15 When we went to Zoning, we saw there was
16 a classification for hardware stores, in the way in
17 which this area was zoned. I don't remember whether
18 it was C-1 or C-3. And when we tried to fight it on
19 behalf of the neighbors, we were met with the fact
20 that this was a right permitted by the Zoning Code.

21 I'm not sure what your feeling is and I
22 would really like to know. I'd like to know what
23 the feelings of Philadelphians are in general about
24 this, particularly people who fight hard for their
25 community every day of the week on zoning matters.

1 050103 - RULES - BILL 030122

2 Do you feel that there ought to be
3 zoning which gives some form of gambling operation a
4 right so that nothing takes place in zoning, or are
5 you suggesting that there be a zoning requirement
6 each time before there is something? And, if so,
7 would this be the only business that is so subjected
8 to a zoning requirement? Would the gamblers have
9 the ability to say to us, "Why do you pick us out
10 for very special rough treatment? Why do we have to
11 go through these steps, if nobody else does?"

12 Mr. Chapman, if he's in the room
13 somewhere -- is he? That question would also be
14 directed to you, and I'd like to have your answer,
15 the version, after I hear the community activist's
16 version.

17 I'm looking for information as to how
18 people in the community feel about it.

19 MR. HARRIS: Well, you know, when I
20 first moved to Old City in 1985 -- I've been here
21 awhile, but I first moved to Old City in 1985.

22 COUNCILMAN COHEN: You're a newcomer in
23 Philadelphia unless you've lived here at least 75 or
24 80 years.

25 MS. HARRIS: I'm not a Philadelphian

1 050103 - RULES - BILL 030122

2 then.

3 There was a really cool little hardware
4 store, Stanley Hardware. And if you walked in and
5 you had a little bolt, you could immediately find
6 somebody who knew exactly what you needed. Then
7 Wal-Mart and Home Depot opened down on Delaware
8 Avenue. And as great as they are, Stanley Hardware
9 is gone. And there's a restaurant there.

10 I don't think any of us want to restrict
11 gambling -- well, we're not going to speak to the
12 moral issues of gambling. That's very difficult to
13 do. But as Tom Chapman pointed out to me a few
14 minutes ago, C-3 zoning can conceivably allow a
15 gambling establishment to go in, which means that
16 any storefront along Second Street -- or maybe the
17 National Products site down at Second and Arch, that
18 could conceivably become a casino, which would
19 definitely affect the residential quality of life,
20 the parking, the tone of Old City. I don't know
21 whether that's the community's say or the Zoning
22 Board's say or City Council's say, but I would
23 certainly want people to have a right to object.

24 COUNCILMAN COHEN: Some form --

25 MS. HARRIS: Some form of community

1 050103 - RULES - BILL 030122

2 input into that. Now, I don't know whether people
3 would think it was violating some right of theirs if
4 the City said, Well, what if we made this strip
5 along Penns Landing, like say by the incinerator,
6 gambling only, and no gambling down by Home Depot; I
7 don't know how that's going to affect people's sense
8 of what they have a right to do or if that's at all
9 legal.

10 COUNCILMAN COHEN: Let's hear what Mr.
11 Chapman says.

12 MR. CHAPMAN: Councilman, I'm sorry. I
13 was sitting in the back of the room reading
14 something. I really didn't hear your question that
15 you posed to the witness.

16 COUNCILMAN COHEN: Basically, the
17 question is, is it your opinion that we ought to
18 have areas where zoning would be a matter of right?

19 Doesn't legislation exist today -- for
20 example, I gave the example of a hardware store that
21 took over a number of smaller stores in a zone where
22 hardware stores were permitted. And the
23 neighborhood found zoning doors closed to them when
24 they sought to go to the Zoning Board because the
25 Zoning Board pointed out that a hardware store, no

1 050103 - RULES - BILL 030122

2 matter how big it was, has a right that exists under
3 the zoning law under that zoning classification.
4 I'm using that as an example.

5 I said, is that what you're proposing
6 here, or are you proposing a system where no matter
7 what, there would have to have a public hearing at a
8 Zoning Board, wherever there was a gambling casino?

9 And then to that I said, would the
10 gambling industry then have the right to claim that
11 they were the only ones so subjected to hearings?

12 COUNCILMAN KENNEY: Can I just add to
13 the frame of the question? I mean, certainly you're
14 not equating a hardware store to a gaming casino?

15 COUNCILMAN COHEN: No.

16 COUNCILMAN KENNEY: And also we
17 acknowledge the fact that any form of gambling in a
18 casino setting, a riverboat, whatever, does impact
19 on the community, as a result of alcohol that's
20 involved, the addiction issues, and additionally the
21 prevalence of other types of neighborhood crime
22 issues that are attracted to the magnet of where the
23 money is; prostitution, drug dealing, car theft.
24 You can go on and on.

25 Although I feel sorry for the small

1 050103 - RULES - BILL 030122

2 hardware store owners who were overcome by Home
3 Depot, I don't know whether or not that's the same
4 long-term effect or encroachment upon the
5 neighborhood as all the other things that are
6 associated with gaming.

7 COUNCILMAN COHEN: Well, if you were at
8 a meeting in the neighborhood, you would think that
9 they had been struck by the worst tragedy of their
10 life.

11 COUNCILMAN KENNEY: Well, I don't think
12 Home Depot attracted prostitution, car theft, drug
13 dealing and -- whatever.

14 MR. CHAPMAN: Councilman, I think the
15 three or four forms of gambling that I mentioned
16 today that I was aware of that were pending in the
17 state legislature, I think they all present vastly
18 different potential impacts. For example, a
19 racetrack, I think we all know that in order for
20 somebody to build a racetrack somewhere, you need
21 lots of land to be able to do that. Keno, on the
22 other hand, I don't know what the State's intention
23 is to do with that, but keno could possibly be
24 allowed in bars and hotels.

25 Other forms of gambling, you know, if

1 050103 - RULES - BILL 030122

2 we're going to have racetracks, if we're going to
3 have slot machines, there's going to be parking
4 issues. There's going to be all kinds of different
5 impact issues. And I think that the one point that
6 I would like to make, if I make any today at all, is
7 that I think that we just need to study the issue.
8 We need to figure out what we're going to get from
9 the state, because none of us know right now what
10 the state is going to approve.

11 COUNCILMAN KENNEY: But remember -- and
12 this is something I've experienced with the State --
13 if we delay and wait to see what the State does,
14 they will do it. And you never know in the State
15 Legislature when a Bill gets attached to another
16 Bill and it blows through the Legislature, a la the
17 Parking Authority, a la SRC, a la the Convention
18 Center. You could wake up one Tuesday morning after
19 a Monday Session and wind up with gaming all
20 approved and us as a City unprecedented out of it or
21 superseded out of it.

22 My argument is, is that if we have a
23 Bill in place now and the state tries to supersede
24 us with a quick bill that's passed through the
25 Legislature, we'll at least have some argument to

1 050103 - RULES - BILL 030122

2 make in a courtroom that we're in conflict with
3 their State supersessions, as opposed to our own
4 zoning capacity.

5 In my experience with the Legislature,
6 you could wake up Tuesday morning, Wednesday
7 morning, and this all be done. That's how things so
8 lightning quick happen there.

9 COUNCILMAN COHEN: May I ask the two
10 witnesses to remain, because I'd like to comment?

11 I'd also like to address to the Chairman
12 this question. Does our adoption of this Ordinance
13 indicate that the minds of City Council adopted it,
14 that gambling is here, and therefore we've got to
15 move right along and be ready for it? Does it
16 foreclose the issue of should there be gambling?
17 I'm concerned in that area.

18 COUNCILMAN KENNEY: I don't think it
19 forecloses that issue because the state still has to
20 approve it. I would rather have that prophylactic
21 measure there ready to have some protection for us,
22 as opposed to waiting to see what the State does or
23 doesn't do. If we never need it, we never need it.
24 They'll pass it and we don't need it. But I think
25 it's inevitable considering what we've been hearing

1 050103 - RULES - BILL 030122

2 and reading. In some form or another, we're going
3 to have either racenos, keno or some type of slots,
4 or video poker, at the minimum.

5 Councilman O'Neill.

6 COUNCILMAN O'NEILL: Mr. Chapman,
7 obviously in this Bill gambling gets a pretty tough
8 hurdle to go over. I don't usually have a problem
9 with tough hurdles in zoning cases. Actually, I'm
10 already thinking of some ideas I might take from
11 this for some other uses. But do we have this same
12 hurdle -- because I know I'm going to be asked by
13 community groups -- for any other business or
14 activity or use, I guess is just the simplest way of
15 putting it, as we would have for gambling if this
16 Bill would become law? Or would it pass Council?
17 Because we always have the City Solicitor who may
18 tell us it's not legal.

19 MR. CHAPMAN: Yes. There's at least one
20 other instance in the Zoning Code where pretty much
21 this exact language is that you see in the Bill
22 regarding an unconstitutional taking. I believe
23 that Councilwoman Tasco used that in an overlay that
24 she have established up on North Fifth Street. I
25 could be wrong about that, but I am positive that it

1 050103 - RULES - BILL 030122

2 appears at least in one other instance in the Zoning
3 Code.

4 COUNCILMAN O'NEILL: Do you know what
5 she was trying to deal with?

6 MR. CHAPMAN: It had to do with -- there
7 was an influx of wholesale businesses on Fifth
8 Street in the vicinity of Olney Avenue, both north
9 and south of Olney Avenue, and it was having a
10 negative impact on retail commercial establishments
11 in the area.

12 COUNCILMAN KENNEY: But outside the
13 Zoning Code, as we discussed before you arrived, on
14 the Streets Code, a bank can't put a planter above
15 the sidewalk without an Ordinance, or a newsstand
16 can't run an electric conduit without an Ordinance.
17 There are certain things we do outside zoning that
18 we require specific Ordinances to do it, and they're
19 relatively simple.

20 COUNCILMAN O'NEILL: But that's not the
21 use. That's something ancillary to the use.

22 Could you get us a copy of that Bill? I
23 could ask Councilwoman Tasco.

24 MR. CHAPMAN: Sure.

25 COUNCILMAN O'NEILL: I just find it

1 050103 - RULES - BILL 030122

2 interesting. Because I know what's going to happen.
3 Councilman DiCicco has the riverfront, and every
4 other district has civic associations, community
5 groups that would like to have this kind of language
6 about one or two things, whether it goes anywhere
7 from a tattoo parlor to some other things that
8 they're not so thrilled with. And you get
9 frustrated by the Zoning Board's decisions.

10 But this would specifically state that
11 there is no place in the City where you could have
12 gambling by right?

13 MR. CHAPMAN: Correct.

14 COUNCILMAN O'NEILL: And that, not only
15 don't you have it by right anywhere, but the Zoning
16 Board, in granting a variance, wouldn't have the
17 hardship standard that they now have for everything
18 else, other than Fifth Street? They have this
19 Constitutional taking requirement. If it's legal, I
20 can work with this.

21 COUNCILMAN KENNEY: It was my belief, as
22 a sponsor, that gaming is such a pervasive and
23 overwhelming activity, it affects so many various
24 aspects of neighborhood life, that it's even more so
25 than a tattoo parlor, even more so. Although I

1 050103 - RULES - BILL 030122

2 understand the same standard being applied, I think
3 in the long run, over a long term, there's a much
4 more invasive nature of gaming.

5 COUNCILMAN O'NEILL: It's still a
6 subjective opinion of yours. I mean, we could have
7 people argue, you know, how they're self regulated
8 and all this other stuff. But for everybody
9 gambling in the neighborhoods along the riverfront,
10 there's somebody in Somerton or somebody in Olney
11 that has something that equally offends them and
12 they would want this heavy, heavy, almost impossible
13 burden to occur, should those uses want to come in.
14 I may ask the City Solicitor, not so much in the way
15 of preventing this, but just to see how far I can go
16 with it. Because I think it's an interesting
17 concept. I've tried some other ways of trying to
18 get something in City Council where the Zoning Board
19 clearly isn't following or even paying any attention
20 to the hardship standard that they're supposed to go
21 by, because of development interests or whatever,
22 that City Council should get their hands around, and
23 somehow on behalf of the residents -- I haven't
24 figured one out, but at least this gives me
25 something to work with.

1 050103 - RULES - BILL 030122

2 Mr. Chapman, if you can think of
3 anything that can have the Zoning Board not be the
4 court of last resort for the people in the City
5 before they get into the higher courts that seem to
6 rubber stamp Zoning decisions more and more these
7 days, but somehow be able to take where they clearly
8 have abused their discretion. I mean, you don't
9 have to be a lawyer to know it. They haven't even
10 paid attention to the hardship. Oftentimes there's
11 no arguments even made about the hardship, on the
12 record, but the community loses.

13 Maybe there's some ways we can come up
14 with helpful legislation that might put another
15 check on the Zoning Board when they screw up. And
16 sometimes, I'm sure, they're screwing up for a good
17 reason, because they're all appointed by the same
18 person who has very strong interests sometimes in a
19 certain decision. But if you could help with that.
20 Because this is giving me all kinds of ideas.

21 Again, I think I'll just talk to the
22 Solicitor, because I've never seen it before. I
23 want to make sure it's legal before I get all
24 excited.

25 COUNCILMAN KENNEY: Thank you very much.

1 050103 - RULES - BILL 030122

2 I'd like to try to get these panels
3 moving because people have been here for a while.

4 Matt Ruben, Bernice Hamel, and Harriet
5 Mishkin.

6 MR. RUBEN: Good afternoon, Mr.
7 Chairman, Members of the Rules Committee. My name
8 is Matt Ruben. I am the President of the Board of
9 Directors of the Northern Liberties Neighbors
10 Association.

11 I've lived in Philadelphia, first in Old
12 City and now in Northern Liberties, for about 11
13 years. But, Councilman Cohen, my mother was born
14 and raised here, and my grandmother came straight
15 from Kiev off the boat into Philadelphia in 1912, so
16 I have some roots that I'm trying to reconnect with,
17 and I intend to stay put in Philadelphia for as long
18 I can.

19 I'm here to speak in favor of this Bill
20 on behalf of my neighborhood organization and my
21 neighborhood, which is one of the more diverse
22 neighborhoods ethnically and socioeconomically in
23 the City. I'm here to speak in favor of this Bill
24 in the strongest possible terms.

25 I think that the state, the federal

1 050103 - RULES - BILL 030122

2 government, the media and common sense around the
3 country has indicated that gambling is something
4 different. I don't think we'll ever read a headline
5 in the New York Times saying that tattoo parlors are
6 now legal in 27 states. This is clearly an
7 exceptional issue that everyone recognizes, as you
8 said, Councilman Kenney, that the impact is
9 tremendous.

10 As neighbors and as residents of the
11 City, quality of life is our most important concern.
12 And a lot times we talk about quality of life as an
13 adjunct to seemingly more important things, but
14 quality of life is it. And as such, we deserve and
15 require and we demand, to be honest, input into this
16 kind of a decision in our neighborhood.

17 We are in support of this because we
18 need some process to have input. And you can be
19 sure representative of gambling companies already in
20 Philadelphia working on this and they're, as
21 Councilman DiCicco said, there are real estate
22 options that have been in existence for years. The
23 wheels are already in motion. We need some kind of
24 input. From our neighborhood we will have input, we
25 will be present for discussion in our area

1 050103 - RULES - BILL 030122

2 regardless of whether or not this Bill passes. And
3 we also know that we are continually fighting
4 battles for our quality of life.

5 As many of you know, we've had miniature
6 crime wave. It only lasted a month but it caused
7 utter mayhem in our neighborhood and the amount
8 police overtime and financial political capital
9 expended by the City was tremendous strain of
10 resources all over. We are fighting, as some of you
11 know, a dual front battle with the closing of clubs.

12 We're very aware of the tremendous
13 impacts that these kinds of establishments, which
14 don't even have gambling, have on our neighborhood.
15 We will have input into this process. And it is my
16 strong hope that that input that we will have, will
17 include the provisions accounted for in this Bill.
18 We think it's a great starting point. We think it's
19 absolutely necessary, and we hope to work with all
20 of you to help ensure that these kinds of
21 establishments are located in appropriate places, if
22 they're located at all, and that the types of
23 establishments that exist are the ones that enhance
24 quality of life, or at least do not ruin the quality
25 of life that we're all working so hard for.

1 050103 - RULES - BILL 030122

2 Thank you.

3 COUNCILMAN KENNEY: Thank you very much.

4 COUNCILMAN COHEN: Just one question.

5 Are you concerned at all about people getting the
6 impression that if we're proposing legislation on
7 that, this must be something that is certainly on
8 its way, that the debate has ended and we're now
9 preparing for the onslaught of gambling?

10 MR. RUBEN: No. Because on the one
11 hand, anyone who says that gambling does not have an
12 exceptional impact on a community where a gambling
13 establishment is located is either misinformed or a
14 liar. Even people who support gambling, I think,
15 would admit that gambling has a tremendous impact in
16 the locations where you put it. So I think that, to
17 my eyes, this Bill acknowledges that fact, pure and
18 simple, and does not declare the debate over.

19 On the other side, if one were to
20 presume that the debate is over because this kind of
21 Bill says, well, it's going to come no matter what,
22 so we might as well make the best of it, again, I
23 think, as the gentleman from the Planning Commission
24 pointed out -- and I put a little different spin on
25 it -- this Bill would raise the bar for being able

1 050103 - RULES - BILL 030122

2 to locate gambling establishments in the City. So I
3 think it doesn't say that the debate is over and
4 it's inevitable precisely because it raises the bar
5 so high and says, let's ask you. Do you want it
6 where you live? Do you want it where you live?
7 Because that's what the real question is. Because
8 everybody lives somewhere, and any establishment has
9 to go somewhere, even if the benefit is supposed to
10 be general for the City. It has to go somewhere.

11 COUNCILMAN COHEN: Thank you.

12 MS. HAMEL: My name is Bernice Hamel.
13 I'm a devoted citizen of Philadelphia, what many of
14 you would consider a civic activist, a term that
15 we've been using today. I applaud Councilman
16 Kenney's initiative in proposing Bill 030122.

17 Currently, I'm a Vice President of the
18 Society Hill Civic Association, which represents
19 approximately 5,000 taxpaying families. I'm also
20 President of the Head House Conservancy, the
21 nonprofit organization which restored an endangered
22 national historical landmark structure that is owned
23 by the City of Philadelphia. Over the years my
24 efforts have often been focused on preserving the
25 City's countless historic treasures and quality of

1 050103 - RULES - BILL 030122

2 life we've enjoyed here.

3 My purpose in speaking before this
4 Committee today is to support Bill 030122, which was
5 introduced on February 27th, 2003 by
6 Councilman-At-Large James Kenney. This Bill
7 proposes that should the Pennsylvania legislature
8 approve new forms of gambling within the state,
9 gambling establishments of any kind will not be
10 allowed to operate within City limits without first
11 resuming two important levels of public hearings.
12 First, it would require zoning approval by City
13 Council. It would then be followed by subsequent
14 public hearings from communities and citizens at
15 large, taking into account the needs and wishes of
16 our City's citizens.

17 I believe this Bill will be supported by
18 most Philadelphians concerned about balancing what
19 is often the contradictory needs of City development
20 versus sources of City revenue. The Bill would
21 require any developer of a potential gambling
22 establishment to obtain zoning permission from City
23 Council, which would ensure that individual
24 taxpayers and communities have the opportunity to
25 consider and debate the idea of whether or not

1 050103 - RULES - BILL 030122

2 gambling will be of benefit or harm to their
3 respective neighborhoods or the City at the whole.
4 Voters must become the ultimate decision makers
5 regarding what could potentially have major
6 long-term consequences for us all.

7 Speaking on behalf of the citizens of
8 Society Hill, our civic association will likely
9 require time to debate the potential benefit or harm
10 that gambling establishments could bring to our
11 neighborhood and other nearby communities situated
12 along the Delaware River. Bill 030122 will provide
13 a level of caution whereby the interest of taxpaying
14 citizens will be heard and given consideration.
15 Although the Bill neither supports nor opposes the
16 concept of casinos or other types of gambling
17 establishments, it does support the idea that such
18 establishments cannot operate without first learning
19 if this is what our community or City is willing to
20 support.

21 Of course, I am personally opposed, but
22 I cannot speak on behalf of everyone. I really feel
23 this is an opportunity to be heard and to have
24 public citizens here speak their mind. My guess is
25 that most people will agree and applaud this

1 050103 - RULES - BILL 030122

2 wonderful initiative you've taken.

3 COUNCILMAN KENNEY: Thank you very much.

4 Can we have Paul Gutterman, Marsha
5 Bacal, John Terry?

6 Good afternoon.

7 MS. MISHKIN: Good afternoon. My name
8 is Harriet Mishkin, and I am here to support this
9 Bill that would require a City Council Ordinance and
10 subsequent public hearings before a gambling
11 establishment would be permitted in Philadelphia.

12 I'm going to take a bit of a different
13 twist in my following testimony. Not that I am
14 opposed. In many ways I support everybody who went
15 before me in terms of whether we want or do not want
16 gambling. But my belief is that the Bill talks
17 about the right for citizens to participate, and so
18 that's where I want to focus my comments.

19 The cornerstone of democracy in this
20 country is participation of the governed in their
21 government. Citizen participation give citizens the
22 power to deliberate their future. Citizen
23 participation leads to self determination. And that
24 is not a new concept. Self determination refers to
25 those processes which encourage communities of

1 050103 - RULES - BILL 030122

2 people to identify their own wants and needs and to
3 work cooperatively at satisfying them.

4 This concept in the more recent years
5 has been in the forefront beginning in the 1960s in
6 the mental health movement, in the economic recovery
7 movement, in the model cities movement. And because
8 I am not as young as I used to be, I've been
9 involved in all those movements over the last 40
10 years.

11 Pennsylvania, by the way, has also been
12 the supporter of citizen involvement in tune with
13 the Federal Government Legislature. In 1967, their
14 Legislature called for more citizen participation in
15 community mental health. And even prior to that,
16 the state hospital systems had citizen participation
17 going back to 1958. Of the term "Maximum Feasible
18 Participation" was actually written into a lot of
19 federal legislation.

20 Again, some other points. Ralph
21 Nader's Green Party was founded on the concept of
22 consumer participation, and that the domestic and
23 international Peace Corps is also involved in having
24 citizens in the countries where Americans go be
25 involved in deciding their own future. And even

1 050103 - RULES - BILL 030122

2 more currently, if we look at what we're doing in
3 Iraq, we are now using coalitions to help the Iraqi
4 people decide their own future.

5 So what we're really talking about is a
6 concept of citizen participation or
7 self-determination. It's not new and, therefore,
8 one wonders why we're even talking about the need,
9 for those of us who are impacted by any decision, to
10 even have to come and testify at a Bill.

11 COUNCILMAN KENNEY: Because there's a
12 lot of money involved. And anytime there's a lot
13 money involved, you better make sure you're
14 protected.

15 MS. MISHKIN: So that's my own take on
16 the historical perspective.

17 On a personal perspective, as I
18 mentioned, I began my career as a professional
19 social worker, so I was involved in all of those
20 community activities and model cities and mental
21 health, et cetera.

22 My question then is, how effective is
23 citizen participation? Is it, in fact, a premise
24 that we should supporting? Are the outcomes
25 positive? Well, the research has shown that there

050103 - RULES - BILL 030122

1
2 is a positive correlation between the degree of
3 participation and the extent to which private and
4 public agencies of the community serve the interests
5 and meet the perceived needs of their constituents.
6 Therefore, in Philadelphia, we must end what is
7 sometimes a closed and insensitive process of
8 government bureaucracies who act as if they have a
9 monopoly on decision-making, and work on empowering
10 communities that feel, and sometime are,
11 disenfranchised.

12 How do I know this? I have lived in
13 Philadelphia all my life. And I beat the man whose
14 family came here the year 1912. My mother was born
15 in 1909. I have lived in Center City for 35 years
16 and in Society Hill for 27. I have personally
17 experienced the development of Penns Landing, the
18 hotel, the maintenance shed, the tram, the great
19 plaza, without regard for those whose quality of
20 life is impacted by development. At times we the
21 citizens have to take responsibility for some of
22 those failures. We did not organize and speak with
23 a coherent and unified voice, unlike our fellow
24 citizens in other neighborhoods who fought
25 successfully against the highway on South Street and

1 050103 - RULES - BILL 030122

2 the I-95 ramps in their neighborhood.

3 Yet I remain hopeful. After I
4 participated in all the recent forums sponsored by
5 the Inquirer and the University of Pennsylvania on
6 the future of Penns Landing, I am encouraged that
7 we, the citizens of Philadelphia, who live here,
8 work here, own here, own real estate here, own
9 businesses here, pay huge amounts of taxes here, can
10 make a difference. This Bill enlarges opportunities
11 for citizens to contribute to policy-making and
12 re-sensitizes our elected officials regarding the
13 issues and priorities of those that they serve.

14 Thank you.

15 COUNCILMAN KENNEY: Thank you very much.

16 Councilman DiCicco.

17 COUNCILMAN DICICCO: Thank you, Mr.

18 Chair.

19 Thank you for your testimony, Ms.

20 Mishkin.

21 As your Councilperson for the last seven
22 and a half years, and hopefully for the next four
23 years going forward, I just want to reassure you
24 that I will always make every effort to make certain
25 that the community is part of a process. It is a

Although we did not develop a push on the Penns Landing site -- and I know that some people were somewhat still opposed to the Simon project, which did not eventually get built -- but I did make certain from day one when then Mayor Ed Rendell chose the Simon Property Group as the developer, that there would be full participation from all of the civic associations and neighborhood groups that were immediately adjacent to the Penns Landing site.

Thank you.

Please identify yourself for the record.

1 050103 - RULES - BILL 030122

2 MS. BACAL: I'm Marsha Bacal. I am
3 Chair of the Society Hill Towers Political Action
4 Committee. And I'll be very brief. I thank you for
5 the opportunity.

6 I'm not sure what we're doing here
7 because what we're doing here is what this Bill
8 provides. That's all it is. I mean, quite simply,
9 unless I'm missing a point, what this Bill says is
10 that we can come here and we can testify and we can
11 make our feelings known. So on the basis of that, I
12 have nothing more to say other than pass the Bill.
13 And if we don't need it, hallelujah. And if we do,
14 at least we have faced a clear and present danger.
15 Having faced them before, I don't want to do it
16 again.

17 Thank you.

18 COUNCILMAN KENNEY: Thank you very much.
19 Please identify yourself.

20 MR. TERRY: My name is John Terry, and
21 I'm on the board of the Society Hill Towers PAC.

22 COUNCILMAN KENNEY: Excuse me. Is Mr.
23 Gutterman here? No? Okay. Fine. I just wanted to
24 make sure. Thank you.

25 MR. TERRY: I just very briefly wanted to

1 050103 - RULES - BILL 030122

2 add information.

3 The PAC took a survey of the residents
4 last winter to try and find out what they were
5 interested in, so we'd know how to move on this.
6 And gambling didn't get to be a high ranking, as you
7 can imagine, compared to, say, Penns Landing and
8 other things like schools and taxes. But gambling
9 was on the list. And there was an interesting bit
10 of information in it. Because when we asked the
11 residents how did they feel about slot machines at
12 racetracks, they came out with a third liking the
13 idea, a third not liking the idea, and it was okay
14 with the middle. It broke down almost that way.
15 But when we asked about casinos or riverboats, they
16 were two to one against. And only 14 percent didn't
17 have an opinion. So I think you can assume that
18 it's sort of a reaffirmation of Tip O'Neill's famous
19 comment about all politics being local. You, know
20 we're there close to the river and they anticipate
21 that the gambling might be close.

22 If I can add something that isn't on
23 that to try and answer Mr. Cohen's question before
24 about the hardware stores.

25 I think you need to make a distinction

1 050103 - RULES - BILL 030122

2 between an open-entry industry, like retail, and a
3 regulated industry. Visualize for a moment that we
4 were only going to have two or three liquor
5 establishments in Philadelphia. You know they'd
6 need a large parking lot. They would have a lot of
7 local impact wherever they were put. And the
8 gambling casino is sort of like that. If the
9 legislation was, you can have as many gambling --
10 and you know we'd have one as many as we have
11 taverns -- it wouldn't have as much local impact.

12 COUNCILMAN KENNEY: Thank you very much.

13 Councilman DiCicco.

14 COUNCILMAN DICICCO: Thank you, Mr.
15 Chair. I just have one question.

16 Mr. Terry, when you were conducting your
17 survey, and the question as to whether or not the
18 folks -- I assume in the Towers you were surveying,
19 just the Tower folks about casino gambling -- was
20 the question posed, would you be in favor or against
21 casino gambling at Penns Landing or casino gambling
22 in general? I'm just curious.

23 MR. TERRY: I think it was more
24 open-ended. It was about casino or riverboat
25 gambling. It's contrasted with the slots at the

1 050103 - RULES - BILL 030122

2 racetracks. And I think the people drew an
3 inference that --

4 COUNCILMAN DICICCO: That it would
5 probably be Penns Landing.

6 MR. TERRY: That it's going to be close.

7 COUNCILMAN DICICCO: I just was curious.
8 Thank you.

9 COUNCILMAN KENNEY: Thank you very much.
10 David Thomsen, Tom Jacoby and Judith
11 Kaplow Applebaum.

12 Please identify yourself.

13 MR. THOMSEN: My name is David Thomsen,
14 T-H-O-M-S-E-N. I'm from the Fairmount section of
15 Philadelphia. I've lived in Philadelphia since 1965
16 and in Fairmount since 1976.

17 When I first decided to come and
18 testify, I had also decided that I would tell you
19 that I was born and raised on Absecon Island. I was
20 born in Atlantic City. My father was born there. I
21 graduated from Atlantic City High School in 1957.
22 And we knew even in 1957 that Atlantic City would
23 not retain the nature it had. At that point the
24 impact of the jet plane and air conditioning in the
25 cities meant that the kind of tourist traffic that

1 050103 - RULES - BILL 030122

2 we had at that time was not going to continue.

3 We did have gambling in 1957. You say,
4 what? Yes, we had gambling, but it just wasn't
5 legal. And church-going types like myself and my
6 parents knew where to go. Everybody knew where to
7 go. But when gambling actually came in in the form
8 of the casinos, I think that there were many
9 unanticipated effects. And when you go to Atlantic
10 City in recent years you will find that the dozen or
11 more air-conditioned movie theaters are gone and
12 until -- unless it's changed, there were no
13 supermarkets in Atlantic City whatsoever. So
14 strange effects occurred in Atlantic City. And nor
15 did the employment changes come along the way we
16 might have thought. And I'm not giving an opinion
17 on gambling. I'm saying there's many anticipated
18 effects.

19 I would like to leap over to what the
20 Bill says. Because sitting here, I thought about
21 the SS United States, barges, riverboats, and I'd
22 like to ask the Council to think about, the Bill
23 says, not a permitted use in any zoning district
24 within the City. What I want to know is, when a
25 ship is moored in the river, it's not located on

1 050103 - RULES - BILL 030122

2 real property within the City of Philadelphia.

3 There's no deed to the water underneath the ship.

4 Is the ship within the City of Philadelphia?

5 And perhaps you might want to look at
6 your wording of the Bill and expand this wording
7 about gambling to also include access to gambling,
8 whether that would be parking lots, bus stops,
9 trains stations or whatever, because perhaps clever
10 gambling company lawyers are going to say, "Oh, but
11 our casino is on a ship. It's not within the City
12 of Philadelphia." Now, maybe I'm wrong. I'm only a
13 computer programmer, not a lawyer. But I think
14 somebody had better look hard at whether ships are
15 within the City of Philadelphia.

16 COUNCILMAN KENNEY: We will double check
17 that. But it's my experience that the ship itself
18 becomes an extension of the land, once you need to
19 go from the land base onto the vessel. So we will
20 double check that, but I believe that is case.
21 Also, there would be no other way to get on it.
22 Once the gangway is on, it's an extension -- unless
23 you drop them from a parachute. Any place where
24 there is connection to the land, it becomes an
25 extension of.

1 050103 - RULES - BILL 030122

2 MR. THOMSEN: But you could move a ship
3 out in the river, like the SS United States, and
4 have boats go back and forth.

5 COUNCILMAN KENNEY: You still have to
6 get on it.

7 MR. THOMSEN: I'm not trying to take up
8 their cause. I'm just saying, think over your Bill.
9 I am in favor of the Bill. It seems to me the
10 representative of democracy is what we need, and we
11 particularly need it in this instance. And while it
12 may not affect Fairmount where I live as directly as
13 some of the people who have testified along the
14 river --

15 COUNCILMAN KENNEY: You're close to a
16 river.

17 MR. THOMSEN: I don't think that they're
18 going to take over Boat House Row.

19 COUNCILMAN KENNEY: Let me tell you
20 something. Those gaming companies got enough money
21 to take over the Art Museum if they wanted to.

22 COUNCILMAN DICICCO: They're very
23 inventive.

24 COUNCILMAN KENNEY: They're very
25 persuasive.

1 050103 - RULES - BILL 030122

2 MR. THOMSEN: They're very creative.

3 But that's my thoughts for the moment.

4 And I commend you for bringing up this Bill. I hope
5 we get -- I don't know if those people over there
6 with the little books are reporters -- but I hope
7 you get some publicity out of this somehow.

8 COUNCILMAN KENNEY: Thank you.

9 MS. APPLEBAUM: Good afternoon. I'm
10 Judith Kaplow Applebaum, and I'm President of the
11 Washington Square West Civic Association. I also am
12 not here to talk about whether or not gambling is a
13 good thing or a bad thing, but I am here to talk
14 about public and citizen participation in the
15 process.

16 We feel very strongly that we cannot
17 trust the folks in Harrisburg to make decisions for
18 those of us who live within the City of
19 Philadelphia. This Bill would give us some way of
20 having public input and put some public pressure on
21 our local politicians who do care about what their
22 constituencies have to say. So the Washington
23 Square West Civic Association very strongly endorses
24 having this Bill.

25 A number of years ago, the Coalition of

1 050103 - RULES - BILL 030122

2 Philadelphia Neighbors Association took up the issue
3 of riverboat gambling last time it came about. I
4 think if you go back into history you will know that
5 the Coalition very strongly opposed riverboat
6 gambling. And they, as a voice of the citizens of
7 Philadelphia, were able to have impact on what then
8 happened. We want to have that same kind of
9 opportunity.

10 I have to tell you, I've only lived here
11 five years, so I feel like I'm a baby compared to
12 everyone here. I'm an ex-New-Yorker. I've adopted
13 Philadelphia as my City of choice. It's a wonderful
14 place to live. I think quality of life issues are
15 very, very important. With the recent increases in
16 our property taxes, it's not going to take very much
17 to get people to leave Philadelphia if their quality
18 of life changes a great deal. Those of us who are
19 staying, are staying at some economic cost to us.
20 And, again, we're staying because the quality of
21 life in Philadelphia is wonderful. If you change
22 that, you may have a result where you're going to
23 lose your middle class, the people who are
24 struggling to stay. And that will have a far
25 greater impact on the City of Philadelphia.

1 050103 - RULES - BILL 030122

2 Again, I strongly urge you to pass this
3 Bill. Hopefully, we won't need it. But if
4 Harrisburg does pass the laws permitting gambling,
5 we do, as citizens of Philadelphia, have to have an
6 avenue to have our say and to put pressure on our
7 local politicians to act in the interests of the
8 residents of Philadelphia.

9 COUNCILMAN KENNEY: Thank you very much.
10 Please identify yourself.

11 MR. BARBER: Good afternoon, Members of
12 Council. My name is Joe Barber. I'm President and
13 Chief Economist of Old City Consulting Group. Our
14 firm performed the Economic Modeling Statistics
15 Reports, including Economic Impact Analyses. I'm
16 also a resident of Old City, a member of the Old
17 City Civic Association and I'm a pro-development
18 member of the Development Committee. I am here to
19 support Bill 030122 on behalf of Old City Consulting
20 Group.

21 From an economist's perspective, a
22 rational person can make a reasonable decision to
23 gamble in a casino. I'm not here to take a moral
24 stand against gambling. The question before Council
25 is whether Council should have ultimate control over

1 050103 - RULES - BILL 030122

2 the location and types of casinos and other gambling
3 allowed in the City. Behind that is the question,
4 why not.

5 COUNCILMAN KENNEY: May I amend that
6 statement just a moment, if you'll allow me? It's
7 not that Council will have control. It's that the
8 people who Council represents will have control,
9 because I don't know of any District Councilperson
10 that's going to go against the overwhelming wishes
11 of their constituents. I didn't mean to interrupt.

12 MR. BARBER: A number of interests in
13 Philadelphia and Harrisburg, including the Mayor's
14 and the Governor's Office, want to see gambling in
15 Philadelphia. While gambling is seen as a tax on
16 stupidity, as we all know when you tax something,
17 there's less of it. They also hope that even if
18 public opinion is currently against casinos, once
19 they are de-mistified and in place the benefits will
20 become apparent and opinions will change. From this
21 viewpoint, Council would be an irrational impediment
22 to progress.

23 Where will the benefits accrue and where
24 will the cost be borne? The political benefits are
25 clear. Revenue and income will be raised without

1 050103 - RULES - BILL 030122

2 increasing taxes, while the costs will be harder to
3 quantify. We know what the benefits can be, but
4 with so many proposals floating around, the Commerce
5 Department has no estimate of direct tax revenue or
6 even the tax rate on profits. The direct tax
7 benefit can't be calculated now.

8 There has been much debate about the
9 overall benefits of gambling. The reason there is
10 so much uncertainty is that many of the costs and
11 benefits can't be quantified. For example, there is
12 the benefit of a good job for a family that had no
13 income, or the cost to a family of a problem
14 gambler. In this case, a good indicator of the
15 overall valuation would be opinion polls.

16 In a 1999 study of gambling in Louisiana
17 conducted for the Louisiana Gambling Control Board
18 by the University of New Orleans, four years after
19 the introduction of casino gambling, 28 percent felt
20 that gambling is having a negative impact on their
21 community, while only 23 percent felt there was a
22 positive impact. These positive impacts varied by
23 the state of economic development prior to the
24 introduction of gambling, ranging from 21 percent in
25 Baton Rouge to 28 in Lake Charles. The value of

1 050103 - RULES - BILL 030122

2 gambling is a local phenomenon.

3 There are other effects on communities
4 based on geographic location of gambling. Gambling
5 is considered a cannibal industry in well-developed
6 areas. In Economic Impact Studies, additional jobs
7 are brought into areas. The multiplier, that is the
8 total number of job created, including direct jobs
9 and jobs created by spending of those with direct
10 jobs is expected to be above too.

11 New Orleans is the closest analogue to
12 Philadelphia, given it is an urban area with a
13 thriving tourist industry. In New Orleans, the
14 multiplier is 1.3. That means that with the
15 introduction of casinos, some of the businesses
16 outside of the casinos closed or laid off employees.
17 Entertainment dollars are spent in the casinos,
18 rather than at the movies. There are fewer patrons
19 for local bars and restaurants. Casino patrons take
20 advantage of free food and drink, which constitutes
21 a tax deduction for the casino, and also removes a
22 source of sales tax revenue.

23 National Opinion Research Center in the
24 Gambling Impact and Behavior Study of 1999 found
25 significantly more gambling problems in communities

1 050103 - RULES - BILL 030122

2 with better access to casinos. Within 50 miles of a
3 casino, there was double the incidence of problem
4 and pathological gambling, and more than double the
5 level of pro capita gambling expenditures.

6 With double incidence of pathological
7 and problem gamblers within 50 miles of casinos, you
8 also have to look at it cost. The cost of addicted
9 gamblers is locally borne. They also found that the
10 incidence of pathological gambling is higher in the
11 African American community, which makes the problems
12 larger in Philadelphia than in other areas.

13 Gambling negatives may be outweighed by
14 the positives, but they are a local phenomenon that
15 must be considered with local input through their
16 elected officials, and therefore Council should
17 exercise control.

18 Thank you.

19 COUNCILMAN KENNEY: Thank you very much.
20 We are going to take a Councilman Nutter recess. As
21 soon as he arrives, we will reconvene.

22 (Brief recess.)

23 COUNCILMAN KENNEY: That concludes the
24 testimony on the public hearing of the Rules
25 Committee on Bill No. 030122.

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

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COMMITTEE ON RULES

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Thursday, May 1, 2003

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Public Meeting conducted by the
Committee on Rules, held in Room 696, City Hall,
Philadelphia, Pennsylvania, on the above date, to
consider action on the following:
BILL 030122.

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PRESENT:

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COUNCILMAN JAMES KENNEY, Chair

COUNCILMAN DAVID COHEN

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COUNCILMAN FRANK DICICCO

COUNCILMAN DARRELL CLARKE

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COUNCILMAN MICHAEL NUTTER

COUNCILMAN BRIAN O'NEILL

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1 05/01/03 - RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: We will now convene
3 the public meeting.

4 The Chair recognizes Councilmember
5 DiCicco for a motion on Bill 030122 with a Rules
6 suspension.

7 COUNCILMAN DICICCO: Thank you, Mr.
8 Chair.

9 I move that Bill No. 030122 be reported
10 out of this Committee with a favorable
11 recommendation, and a further recommendation that
12 the Rules of Council be suspended so as to permit
13 first reading at our next Session of City Council.

14 (Duly seconded.)

15 COUNCILMAN KENNEY: Moved and seconded.

16 All in favor?

17 (Aye.)

18 COUNCILMAN KENNEY: Anyone opposed?

19 (No response.)

20 COUNCILMAN KENNEY: There are none
21 opposed.

22 Bill No. 030122 is reported out of this
23 Committee with a favorable recommendation, and a
24 request has been made for rules suspension to allow
25 for first reading at our next Council Session.

1 05/01/03 - RULES - PUBLIC MEETING

2 Thank you for your attendance and
3 participation.

4 (Council adjourned at 3:05 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of May 1, 2003, were reported fully and
accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE ON RULES

Lisa C. Bradley, RPR
and Notary Public